

NOT FOR PUBLICATION

MAY 14 2008

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT A. CALLOWAY, aka Robert
Anthony Calloway; Robert Calloway; Bob
Calloway,

Defendant - Appellant.

No. 06-50293

D.C. No. CR-04-00334-JVS-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
James V. Selna, District Judge, Presiding

Submitted May 9, 2008**
Pasadena, California

Before: WARDLAW, IKUTA, Circuit Judges, and BEISTLINE,*** District
Judge.

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as may be provided by Ninth Circuit
Rule 36-3.

** This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Ralph R. Beistline, United States District Judge for the
District of Alaska, sitting by designation.

The facts of this case are known to the parties.

Pursuant to the Mandatory Victims Restitution Act of 1996 (“MVRA”), 18 U.S.C. § 3663A, we find that the district court neither erred nor abused its discretion in ordering Calloway to pay \$10,945,391.89 in restitution. *See United States v. Bussell* , 504 F.3d 956, 964 n.9 (9th Cir. 2007); *United States v. Gamboa-Cardenas* , 508 F.3d 491, 495 (9th Cir. 2007).

Notwithstanding, the matter is remanded to the district court to specify the manner and schedule according to which the restitution is to be paid, in consideration of: (A) the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; (B) projected earnings and other income of the defendant; and (C) any financial obligations of the defendant; including obligations to dependents. *See* 18 U.S.C. § 3664.

AFFIRMED AND REMANDED.